

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

SHANE SMITH

PLAINTIFF

VS.

CIVIL ACTION NO. 5:13-cv-89(DCB)(MTP)

ANTLER INSANITY, LLC; BYG  
OUTDOORS, LLC; JOHN YOUNG;  
SCOT GARLAND; RANDY BUCKNER;  
and DARRIN HOLT

DEFENDANTS

ORDER

This cause is before the Court on the defendants' motion to strike plaintiff's response to the defendants' motion to dismiss (**docket entry 17**); and on the defendants' motion to treat their memorandum filed in opposition to plaintiff's motion for leave to file surreply as defendants' reply to plaintiff's surreply (**docket entry 25**). Having carefully considered the motions and responses, the memoranda and the applicable law, the Court finds as follows:

The defendants filed their motion to dismiss on September 5, 2013. The plaintiff filed his response on October 18, 2013. Neither the response nor the plaintiff's memorandum contain any explanation for the late filing, nor a request to file out-of-time; nevertheless, the Court finds that the plaintiff's response and brief are necessary and helpful to aid the Court in deciding the dispositive motion, and they shall not be stricken.

As for the defendants' motion to treat their memorandum filed in opposition to plaintiff's motion for leave to file surreply as

defendants' reply to plaintiff's surreply, the motion is not opposed and it shall be granted.

Accordingly,

IT IS HEREBY ORDERED that the defendants' motion to strike plaintiff's response to the defendants' motion to dismiss (**docket entry 17**) is DENIED;

FURTHER ORDERED that the defendants' motion to treat their memorandum filed in opposition to plaintiff's motion for leave to file surreply as defendants' reply to plaintiff's surreply (**docket entry 25**) is GRANTED.

SO ORDERED, this the 26th day of November, 2013.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE